

Remarks

Claims 1-15, 18-21, 23, 25 and 26 are pending in the application. Claims 16, 17, 22, 24 and 27 have been cancelled. Reconsideration is requested in view of the above changes and the following remarks.

Cancellation of claims is without prejudice to the filing of one or more continuing applications.

Examiner acknowledges that claims 1 and 12-14 would be allowable if amended to overcome the objections set forth in the office action. Examiner acknowledges that claims 2-11, 23, 25 and 26 would be allowable if amended to overcome certain rejections under Section 112. It is believed that the above claim amendments are sufficient to overcome these objections and rejections.

Claim 19 is indicated as being allowable if rewritten to address the rejection under Section 112 and include the limitations of its base claim and intervening claims. It is believed that the above amendment to claim 18 places this claim in condition for allowance.

Response to Section 112, 2nd Paragraph Rejection

Claims 2-11 and 15-27 have been rejected for indefiniteness. Claims 1-4, 8, 12, 15, 18, 20, 23 and 25 have been amended to address the clarity issues raised on pages 2 and 3 of the Detailed Action, correcting typographical errors such as "a" to "an", reciting Formulas I, II and III and revising the polypeptides/oligopeptides/oligopeptide molecule language to provide clear antecedent basis where appropriate. For example, in claim 2, "terminal" has been deleted and "the peptide" has been amended to "the second oligopeptide". In claim 3, which depends on claim 2, "second polypeptide" has been amended to "second oligopeptide" in accordance with claim 2. A similar amendment has been made to claim 4 with, in addition, the reference to the second oligopeptide in (b)(i) changed to "polypeptide" to further aid clarity.

The word "moiety" has been inserted in claims 2, 6, 18 and 21 to provide agreement with the antecedent, "activated ester moiety".

In claim 18, in the clause following Formula III, “activated ester moiety of step (b)” has been amended to read “activated ester moiety of *said label molecule*”, to provide agreement with the antecedent “label molecule”.

It is believed that, with these amendments, the Examiner's objections under 35 USC 112 have been addressed.

Response to Section 102 Rejection of Claims 16, 20-22 and 27

Claims 16, 20-22 and 27 have been rejected as anticipated by Nock *et al.* (“Nock”). Claims 16, 22 and 27 have been cancelled, and thus the rejection is moot as to these claims. With regard to claim 20, this claim has been amended to more particularly point out that the oligopeptide and label are linked by a linking moiety of Formula III. As noted by the Examiner, Nock merely allegedly teaches embodiments in which the support comprises a reactive hydrazine or amino-oxy group. Thus, the labelled oligopeptide made by the method according to claim 20, in which the label and the oligopeptide are linked by a linking moiety having Formula III, is novel over Nock. Moreover neither Nock, nor any other reference of record, suggests the method as claimed in claim 20. Thus, that method is also clearly also nonobvious.

Response to Section 103 Rejection of Claim 24

The rejection of claim 24 has been addressed by cancellation of that claim.

Response to Section 102 Rejection of Claims 15 and 27

Claims 15 and 27 have been rejected as anticipated by Yugari *et al.*, alleging that this document discloses cross-linked polypeptides having the same structure as required by Formula III. Claim 27 has been cancelled, so the rejection against this claim is now moot. With respect to claim 15, this claim has been amended to introduce the feature that the first and second oligopeptides are linked via a linking moiety having Formula II, thus distinguishing over Yugari *et al.*

Response to Section 102 Rejection of Claim 18

Claim 18 has been rejected as anticipated by Bonnet et al, which the Examiner alleges teaches the reaction of lipids comprising active ester groups with hydrazinopeptides to link lipids to the peptides via a group having Formula I. This objection has been addressed by amending claim 18 to delete reference to Formula I. The claim is now directed to embodiments in which the label molecule and the oligopeptide are linked by a linking moiety having Formula II or Formula III.

Response to Section 102 Rejection of Claims 16, 17 and 27

The rejection of claims 16, 17 and 27 with respect to Ryall is moot in view of the cancellation of these claims.

Conclusion

The claims remaining in the application are believed to be in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

GRAHAM COTTON



DANIEL A. MONACO
Registration No. 30,480
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
(215) 988-3312 - Phone
(215) 988-2757 - Fax
Attorney for the Applicants